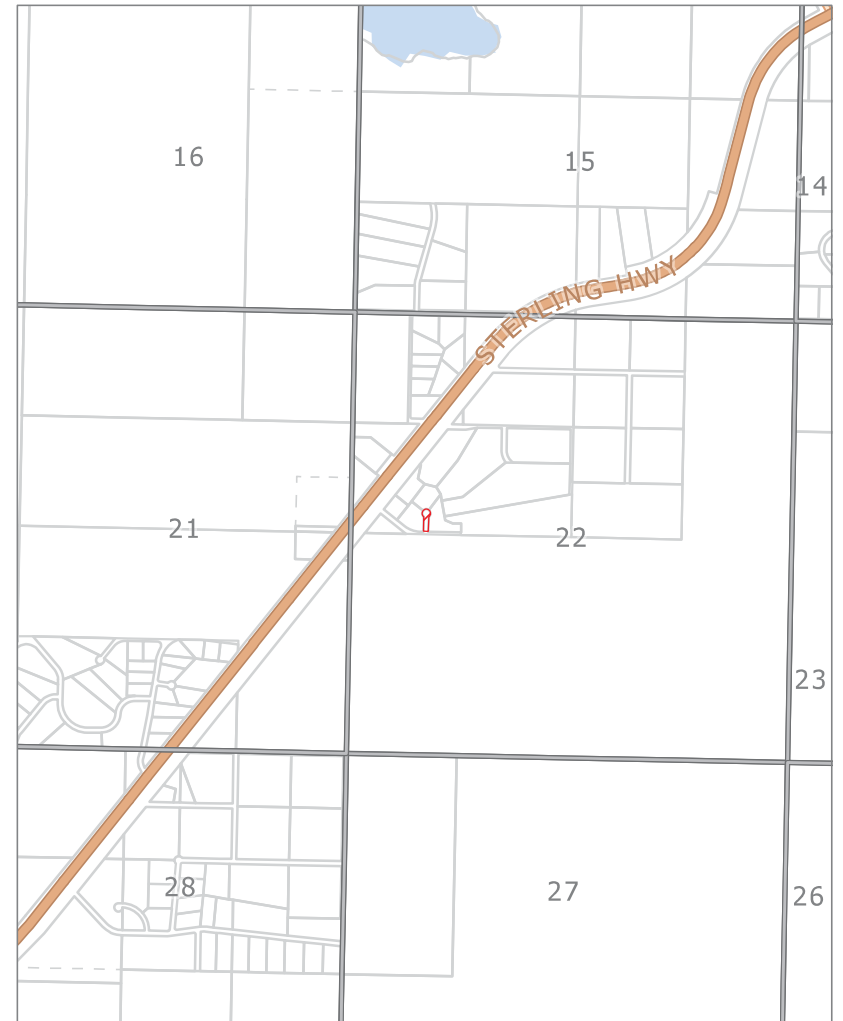
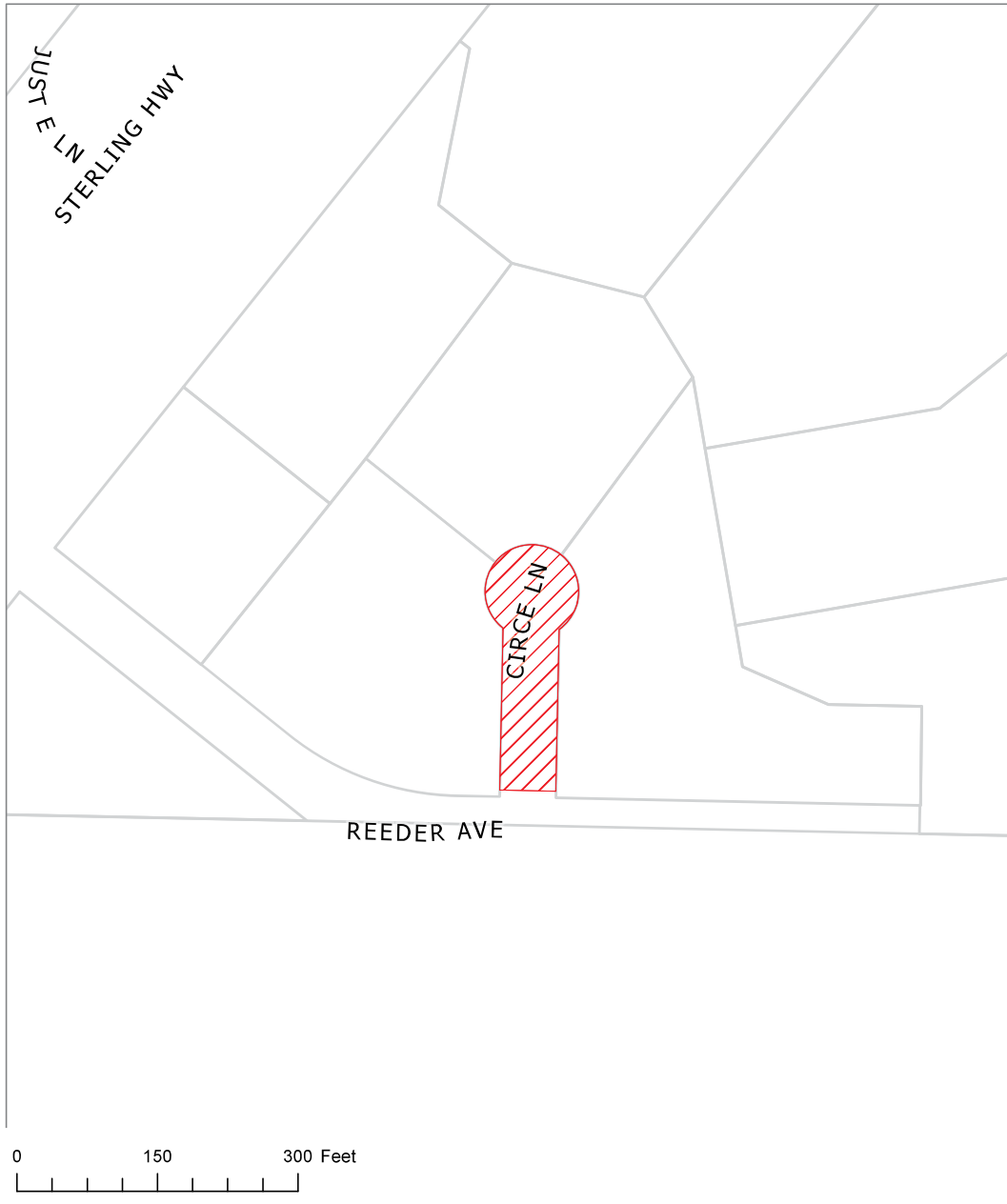


## **E. NEW BUSINESS**

- 1. Utility Easement Vacation; KPB File 2024-057V  
Johnson Surveying / Wiley  
Request: Vacates the 5-foot utility easement adjacent to  
Circe Lane ROW  
Cohoe Area**

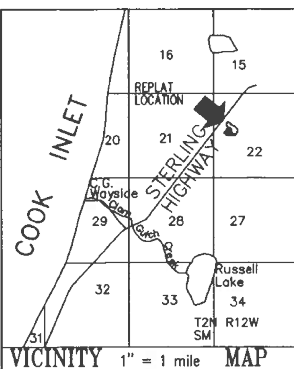


KPB File 2024-057V  
T 02N R 12W SEC 22  
Cohoe



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# REEDER LAKE SUBDIVISION 2024 ADDITION Preliminary Plat

A replat of Lots 1, 2, and 5 Reeder Lake Subd., KRD 73-21, including a vacation of Circle Ln. ROW & associated 5' utility easement. Located in the NW1/4 Section 22, T2N R12W, SM, Clam Gulch, Alaska.  
Kenai Recording District Kenai Peninsula Borough

Prepared for

Lee Q. Wiley  
P.O. Box 199  
Clam Gulch, AK 99568

Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, AK 99568  
(907) 262-5772

SCALE 1" = 100'  
5 May, 2024

AREA = 5.735 acres

## LEGEND

- ⊗ - 2 1/2" USGLQ brass cap monument, 1920, found.
- ⊙ - 2 1/2" alcap monument, 268-S, 1986, found.
- - 1/2" rebar lot corner, found.
- - 1/2" x 4' rebar with plastic cap, set.
- ⬮ - indicates swamp

## NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. This property is subject to electrical easements granted to Homer Electric Association, Inc. in Kenai Records Misc Book 31 page 163 and Misc Book 37 page 87. These are general easements, no definite location given.
4. Contour interval 5'. No grades exceed 3%.

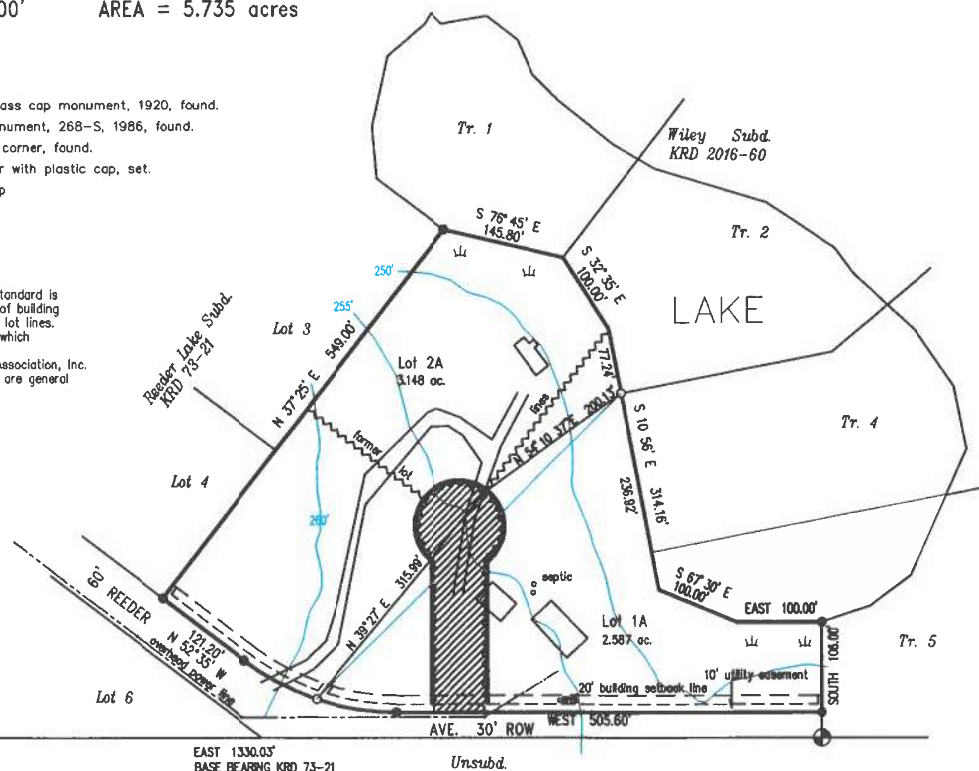
- Indicates Circle Ln. ROW being vacated
- indicates 5' utility easement being vacated

1/4 cor  
Sect. 21 Sect. 22

## WASTEWATER DISPOSAL

KPB 20.40.020  
This plat increases the per lot available wastewater disposal areas. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

**KPB 2024-057V**



AGENDA ITEM E.      NEW BUSINESS

**ITEM #1 - UTILITY EASEMENT ALTERATION  
Reeder Lake Subdivision 2024 Addition**

<b>KPB File No.</b>	2024-057V
<b>Planning Committee Meeting:</b>	June 24, 2024
<b>Applicant / Owner:</b>	Lee Q. Wiley
<b>Surveyor:</b>	Jerry Johnson – Johnson Surveying
<b>General Location:</b>	Sterling Highway, Clam Gulch, Alaska

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** The reason for the vacation is that the easement has never been in use and the associated ROW vacation and lot replat combination makes the easement unnecessary. There will be a standard 10' utility easement along the remaining ROW.

**Notification:** Notice of vacation mailings were sent by regular mail to Five owners of property within 600 feet. Notice of the proposed vacation was emailed to Eight agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

**Staff Analysis:**

The petition is to vacate a 5' utility easement around Circe Lane. Circe Lane was approved for vacation by the KPB Planning Commission at the May 28<sup>th</sup> 2024 meeting and given unanimous consent at the June 4<sup>th</sup> 2024 KPB Assembly meeting. The 5' utility easement was not included in the request of the vacation of the right-of-way and was therefore not included in the notifications sent out for the vacation meeting on May 28<sup>th</sup>. There are no utilities currently located in the 5' utility easement.

No utility company has had any objects to vacating the 5' utility easement per the notifications sent out with this vacation. A new subdivision Reeder Lake Subdivision 2024 Addition was reviewed and approved at the May 28<sup>th</sup> 2024 Plat Committee meeting that will finalize the vacation of this 5' utility easement when complete. Reeder Lake Subdivision 2024 Addition will provide a new 10' utility easement along the right-of-way located on the south of the proposed plat.

**Utility provider review:**

HEA	No comment
ENSTAR	Approved as shown
ACS	Approved as shown
GCI	Approved as shown

**Findings:**

1. The petition does state that the utility easement proposed to be vacated is not in use by a utility company.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Reeder Lake Subdivision KN 73-21 granted a 5' wide utility easement along all road lines including Circe Lane.
4. No surrounding properties will be denied utilities with this vacation.
5. A 10' utility easement will be dedicated with the proposed plat.

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**STAFF RECOMMENDATIONS**

## CORRECTIONS / EDITS

Make the following corrections:

- Add KPB no 2024-039 to the drawing
- Add Reeder Ave to the vicinity map
- Complete Sterling Highway drawing in Section 15 of the vicinity map.

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## **RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by all utility providers.
2. Finalizing the approval of the easement alteration by either;
  - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
  - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
    - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
    - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
    - iii. The Planning Department is responsible for filing the Planning Commission resolution.

### **20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
    - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
    - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*

- *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
  - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

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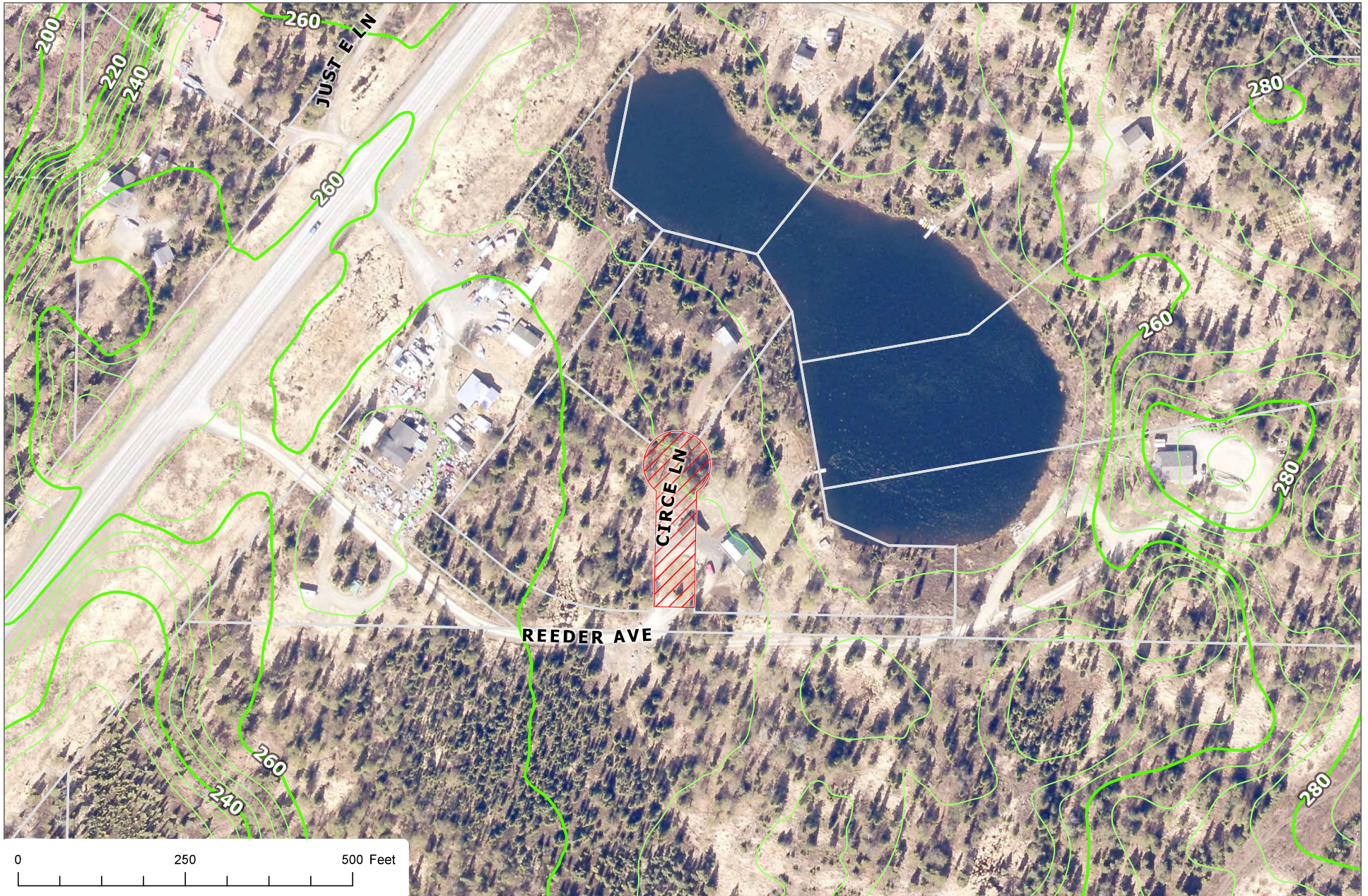
**END OF STAFF REPORT**





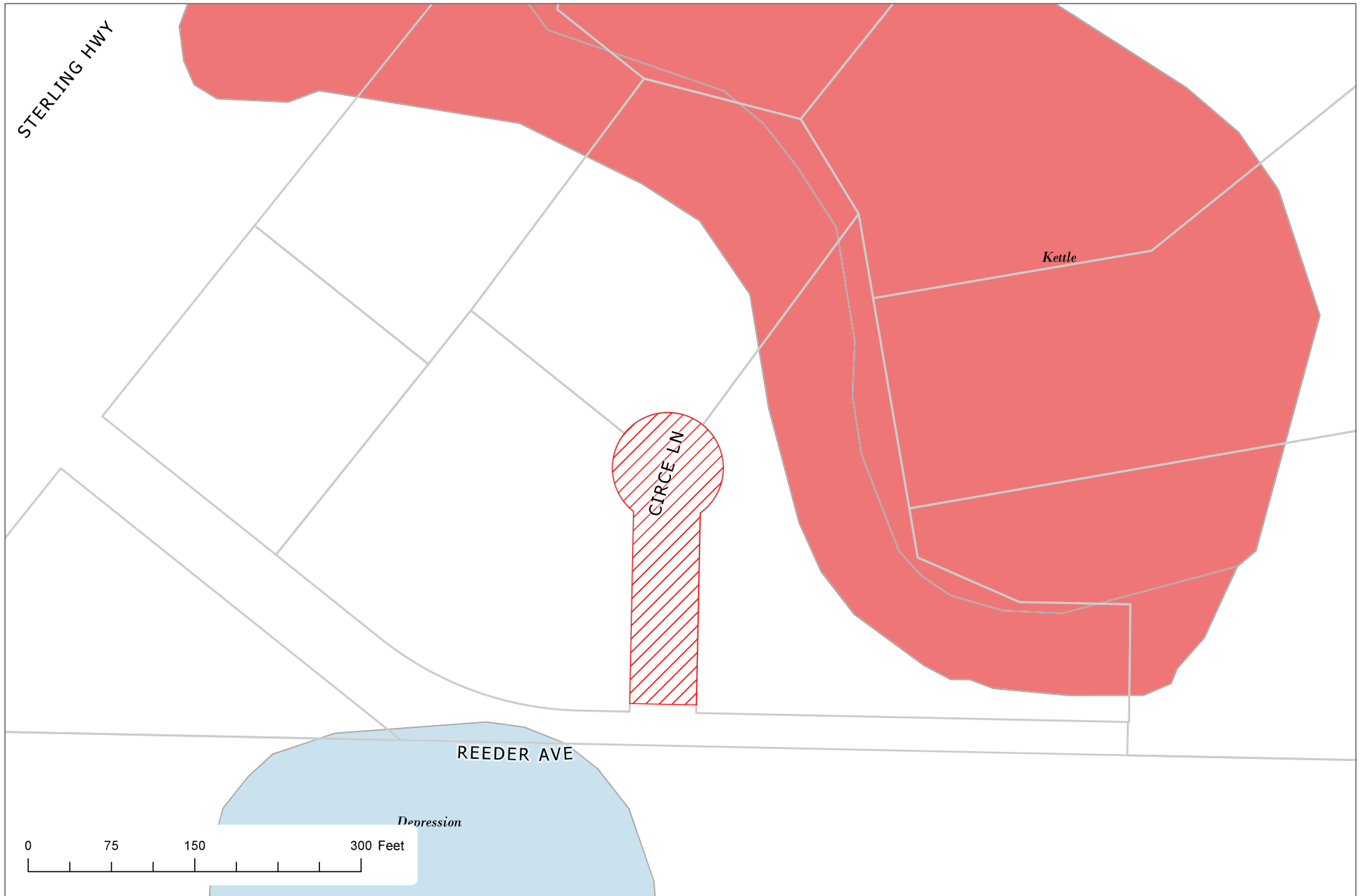
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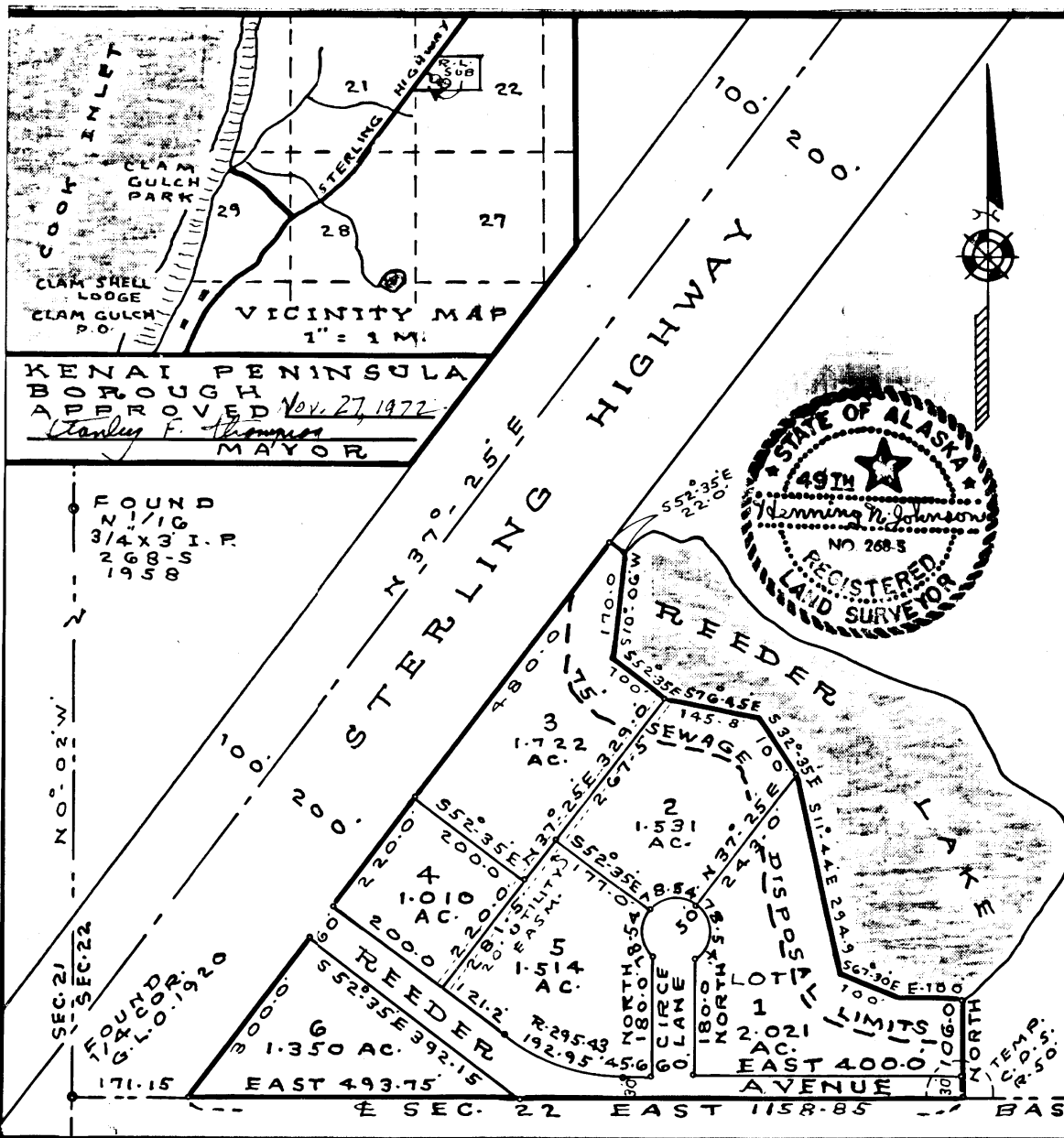


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# REEDER LAKE SUBDIVISION

LOCATED IN S 1/2 NW 1/4 SEC. 22,  
T2N. R12W. S.M. CLAM GULCH,  
ALASKA.

BY: MICHAEL WILEY, ENGLISH BAY, AK.

CORS. SHOWN THUS O ARE 1/2"x24" REBARS.  
NOTE: A 5' UTILITY EASEMENT ALONG  
ALL ROAD LINES FOR POWER UTILITY.

SCALE: 1"=200'

OCT. 15, 1972

AREA: 10.562 AC

## CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE  
THE OWNERS OF THE PROPERTY  
SHOWING AND DESCRIBED HEREON,  
AND THAT WE ADAPT THIS PLAN  
OF SUBDIVISION AND DEDICATE  
ALL STREETS TO PUBLIC USE AND  
TO THE USE OF PUBLIC UTILITIES.

OWNER Michael Wiley Santa R. Wiley  
OWNER Kenai Borough  
OWNER Keith C. Hadden

Heather K. Wiley Ann C Morris

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT  
SUBSCRIBED AND SWORN BEFORE  
ME THIS 2nd DAY OF Dec 1972  
WITNESS MY HAND AND OFFICIAL  
SEAL, THE DAY, MONTH AND YEAR.

NOTARY PUBLIC FOR ALASKA.

Darlene Kashwary Crawford 2/20/76

MY COMMISSION EXPIRES

FOUND  
W.C. V4 COR.  
B.L.M. 1951

RECORDED - FILED

Kenai REC. DIST.

DATE 3-21- 1973

TIME 3 P.M.

Requested by KPB

Address Sal-

514293

73-21

K.73-21